

Regular Session, 2012

# ACT No. 276

HOUSE BILL NO. 732

BY REPRESENTATIVES HENRY BURNS, ADAMS, ANDERS, ARNOLD, BADON, BARROW, BERTHELOT, BROWN, TIM BURNS, BURRELL, CARTER, CHANEY, CONNICK, COX, CROMER, EDWARDS, FOIL, GAINES, GAROFALO, GISCLAIR, GREENE, GUINN, HARRIS, HARRISON, HAVARD, HAZEL, HILL, HODGES, HOFFMANN, HOLLIS, HONORE, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, JONES, KLECKLEY, TERRY LANDRY, LEBAS, LEOPOLD, LIGI, LORUSSO, MACK, MILLER, MORENO, JAY MORRIS, NORTON, PIERRE, PONTI, POPE, PRICE, PUGH, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADOIN, SMITH, ST. GERMAIN, THIERRY, THOMPSON, WHITNEY, PATRICK WILLIAMS, AND WILLMOTT AND SENATORS ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROWN, BUFFINGTON, CHABERT, CLAITOR, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GUILLORY, JOHNS, KOSTELKA, LAFLEUR, LONG, MILLS, MORRELL, MURRAY, NEVERS, PEACOCK, PETERSON, RISER, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE

1 AN ACT

2 To enact R.S. 37:3650, relative to professions and occupations; to provide for certain  
3 licensure of individuals with military training and experience; to provide for terms,  
4 conditions, procedures, and requirements; to provide certain exceptions; to provide  
5 for licensure by endorsement for spouses of such individuals; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:3650 is hereby enacted to read as follows:

9 §3650. Licensure for individuals with military training and experience; licensure by  
10 endorsement for military spouses; temporary license; expedited process  
11 A. Notwithstanding any other provision of law to the contrary, a professional  
12 or occupational licensing board shall issue a license, certification, or registration to  
13 a military-trained applicant to allow the applicant to lawfully practice the applicant's  
14 occupation in this state if, upon application to the board, the applicant satisfies all  
15 of the following conditions:  
16 (1) Has completed a military program of training, been awarded a military  
17 occupational specialty, and performed in that specialty at a level that is substantially

1           equivalent to or exceeds the requirements for licensure, certification, or registration  
2           of the professional or occupational licensing board for which the applicant is seeking  
3           licensure, certification, or registration in this state.

4                   (2) Has engaged in the active practice of the occupation for which the person  
5                   is seeking a license, certification, or permit from the board.

6                   (3) Has not been disciplined in any jurisdiction for an act that would have  
7                   constituted grounds for refusal, suspension, or revocation of a license to practice that  
8                   occupation in this state at the time the act was committed.

9                   B. Notwithstanding any other provision of law, a professional or  
10                  occupational licensing board shall issue a license, certification, or registration to a  
11                  military-trained applicant to allow the applicant to lawfully practice an occupation  
12                  in this state if, upon application to a professional or occupational licensing board, the  
13                  applicant holds a current license, certification, or registration from another  
14                  jurisdiction and that jurisdiction's requirements for licensure, certification, or  
15                  registration are substantially equivalent to or exceed the requirements for licensure,  
16                  certification, or registration in this state.

17                  C. Notwithstanding any other provision of law, a professional or  
18                  occupational licensing board shall issue a license, certification, or registration to a  
19                  military spouse to allow the military spouse to lawfully practice the military spouse's  
20                  occupation in this state, if, upon application to a professional or occupational  
21                  licensing board, the military spouse satisfies all of the following conditions:

22                          (1) Holds a current license, certification, or registration from another  
23                          jurisdiction, and that jurisdiction's requirement for licensure, certification, or  
24                          registration are substantially equivalent to or exceed the requirements for licensure,  
25                          certification, or registration in this state.

26                          (2) Can demonstrate competency in the occupation through methods as  
27                          determined by the board, such as having completed continuing education units or  
28                          having had recent experience.

1           (3) Has not been disciplined in any jurisdiction for an act that would have  
2           constituted grounds for refusal, suspension, or revocation of a license to practice that  
3           occupation in this state at the time the act was committed.

4           (4) Is in good standing and has not been disciplined by the agency that issued  
5           the license, certification, or permit.

6           D. A professional or occupational licensing board shall issue a temporary  
7           practice permit to a military-trained applicant or military spouse licensed, certified,  
8           or registered in another jurisdiction while the military-trained applicant or military  
9           spouse is satisfying the requirements for licensure under the provisions of this  
10          Section, if that jurisdiction has licensure, certification, or registration standards  
11          substantially equivalent to the standards for licensure, certification, or registration  
12          of a professional or occupational licensing board in this state. The military-trained  
13          applicant or military spouse may practice under the temporary permit until a license,  
14          certification, or registration is granted or until a notice to deny a license,  
15          certification, or registration is issued in accordance with rules that shall be  
16          promulgated by the applicable professional or occupational licensing board. Each  
17          professional and occupational licensing board shall adopt rules in accordance with  
18          the Administrative Procedure Act for the issuance of a temporary practice permit and  
19          such rules shall ensure the public health and safety.

20          E. An individual possessing a temporary practice permit under the provisions  
21          of this Section shall receive priority processing of their application for license,  
22          certification, or registration, in accordance with rules that shall be promulgated by  
23          the applicable professional or occupational licensing board.

24          F. A professional or occupational licensing board shall adopt rules in  
25          accordance with the Administrative Procedure Act necessary to implement the  
26          provisions of this Section.

27          G. Nothing in this Section shall be construed to prohibit a military-trained  
28          applicant or military spouse from proceeding under the existing licensure,  
29          certification, or registration requirements established by a professional or  
30          occupational licensing board in this state.

1                   H. For the purposes of this Section, "professional or occupational licensing  
2                   board" shall mean any state agency, board, commission, or substantially similar  
3                   entity, involved in the licensing, certification, or registration of any regulated  
4                   profession or occupation within the state of Louisiana.

5                   I. The provisions of this Section shall not apply to any applicant receiving  
6                   a dishonorable discharge or a military spouse whose spouse received a dishonorable  
7                   discharge.

8                   J. The provisions of this Section shall not apply to a license issued and  
9                   regulated under the authority of the judicial branch of government.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_